REMARKS

Summary of the Office Action

Claim 21 has been rejected under 35 USC 112 for failing to provide proper antecedent basis to the limitation "the interventional catheter."

Claims 1-13, 15, 19-23 and 31-32 have been rejected under 35 USC 102(e) as allegedly anticipated by U.S. Patent No. 6,336,934 to Gibson ("*Gibson*").

Applicants' Response

Claims 1-32 are pending in the application. Claims 14, 16-18 and 24-30 have been withdrawn from examination, and claims 1, 3, 12-13, 19-21, and 31 have been amended. Therefore, upon entry of the present amendment, claims 1-13, 15, 19-23, and 31-32 will be subject to examination.

A. The Rejection under 35 USC 112

Applicant has amended claim 21 to replace the word "catheter" with "device." The amended recitation "the interventional device" finds support in claim 20, from which claim 21 depends.

B. The Rejection under 35 USC 102

A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegall Bros. v. Union Oil of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). An anticipating prior art patent or printed publication must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 1566, 1567 (Fed. Cir. 1988).

Gibson does not anticipate independent claims 1 and 31, as currently amended, and the claims depending therefrom because *Gibson* does not teach or suggest "a vascular filter having a body made of a resilient expandable foam allowing blood passage therethrough while preventing passage of particles above a predetermined size."

Gibson is directed to an embolic protection device having a collapsible filter element. In certain embodiments, *Gibson* teaches that a foam filter may include a plurality of cavities formed in the body of the filter like bore holes.

More particularly, *Gibson* teaches at col. 9, lines 23-35 that "filter element 1 is designed to provide a pathway or multiple pathways through for blood cells and other blood constituents but to capture emboli of a size greater than filter pore size ... The outlet 8 has a plurality of outlet openings sized to allow through passage of blood but to retain undesirable embolic material within the body of the filter element 1." Those outlet openings are inserted in the foam structure, and are not created by selecting a foam material that is permeable to blood without the need for creating such opening in a post-process. *Gibson* explains at col. 10, lines 19-26 that "foam substrate filter body has material removed to create a series of channels or pathways 20 for the blood to flow through but which would cause a restriction for embolic material to prevent it going through the filter. The pathways 20 may be machined using a variety of methods such as laser cutting with excimer, YAG, CO2, or other laser type, freezing and machining or lost wax machining."

Claim 1 has been amended to point out Applicants' invention with greater clarity, claim 3 has been amended to better define the position of the guide wire, and claims 11-12 and 19-20 have been amended to correct punctuation.

Conclusion

All the issues raised by the Examiner have been addressed. In view of the foregoing amendments and comments, it is respectfully requested that all rejections be withdrawn and a Notice of Allowance issued in this case.

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Respectfully submitted,

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